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November 29, 2023

By ECF

The Honorable Lorna G. Schofield
United States District Court for the Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, New York 10007

Re: McKoy, et al. v. The Trump Corp., et al., No. 18 Civ. 9936 – ECF Technical Failure

Dear Judge Schofield:

This firm represents non-party ACN Opportunity, LLC (“ACN”) in these proceedings. The undersigned submits this letter pursuant to Section 11 and Section 23.6 of the Southern District of New York Electronic Case Filing Rules & Instructions (the “Rules”) and requests that Your Honor accept ACN’s request to maintain under seal that is filed contemporaneously with this letter (the “Request to Seal”) as timely submitted. In support of this request, the undersigned shows as follows:

On November 16, 2023, this Court ordered that ACN “may file requests to maintain under seal the documents identified in the motions for sealing at Dkt. Nos. 529, 550, and 560” [ECF No. 672] on or before November 28, 2023. The undersigned attempted to upload ACN’s Request to Seal through the Electronic Filing System (“CM/ECF”) on November 28, 2023; however, the undersigned’s CM/ECF account did not provide an option to submit a filing for this matter. When the undersigned attempted to resolve the technological issue, the CM/ECF account provided a notification that “[t]he user name and password are not correct. Please enter your existing CM/ECF e-filing user name and password. If you are unable to link your account, go to PACER’s Manage My Account screen and submit an e-filing registration request to the court.”

On November 29, 2023, the undersigned and his paralegal, Liz Veres, logged into the undersigned’s CM/ECF account from a different device to submit an e-filing registration request to this Court. The undersigned and Liz Veres confirmed that the same login information was used on each device. Once logged into the undersigned’s CM/ECF account on a different device, the undersigned’s CM/ECF account allowed the undersigned to submit ACN’s Request to Seal pursuant to Your Honor’s November 16, 2023 Order.

Thus, the undersigned respectfully requests that this Court accept ACN’s Request to Seal submitted on November 29, 2023, as timely filed pursuant to Your Honor’s November 16, 2023 Order.

Sincerely,

/s/ Ryan B. Simpson
Ryan B. Simpson

Cc: All Counsel via ECF